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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,703	03/11/2004	Christopher Dougherty	N0190US	6203
37583 7590 06/18/2009 NAVTEQ NORTH AMERICA, LLC 425 West RANDOLPH STREET SUITE 1200, PATENT DEPT CHICAGO, IL 60606			EXAMINER WERT, JOSHUA P	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,703	<b>Applicant(s)</b> DOUGHERTY ET AL.	
	<b>Examiner</b> JOSHUA WERT	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/2009; 5/13/2009</u> . | 6) <input checked="" type="checkbox"/> Other: <u>PDF Wikipedia article</u> .            |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The examiner acknowledges the amendment to the claims filed 3/16/2009. No new matter appears to have been added in the amendment.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15, 17-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over SimCopter and SimCity in view of MapQuest.
4. Regarding claims 1 and 17, SimCopter discloses selecting a map (SimCopter Users Manual Page 3, SimCity map or standard game city maps) and a game shell including basic logic, rules, strategy and characters (SimCopter Users Manual Pages 3 and 56, parameters set within SimCopter. The underlying game in SimCopter has basic logic, rules, strategy and characters that are determined based on the SimCity map and the preferences manually selected) and combining them in to a computer game (The specific game that the user ends up playing).

Who produces and selects the map database and the game shell, who combines the selections and who uses the game is immaterial to the patentability of the claimed

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method. It is well within the ability of one skilled in the art, and common practice for either one person to put together a game or for multiple people to put together a game. Additionally, it is common place in the art for people to both design games for themselves or to use games that they have created. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have one person create a map in SimCity, to have a second person start a game in SimCopter and chose the map created by the first person, and for the second person to allow a third person to play the game that they set up.

What SimCity and SimCopter lack are map database products that contain road network information, geographic coordinates of positions of roads and turn restrictions of roads, streets names and other general map information derived from a database suitable for vehicle navigation in the real world. SimCity has the capability of modeling real-world cities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a user to look at a map of a city from a database suitable for vehicle navigation in the real world (MapQuest) that contains standard and well known map information such as geographical coordinates of positions of roads, turn restrictions and street names (see MapQuest) and create a map database product in SimCity that replicates the desired features of the real-world geographic locales for storage in the map database usable by a person interested in playing SimCopter so that the user of SimCopter or any other suitable Sim title could play the desired game in a representation of a real-world local of their choosing.

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5. Regarding claims 2-5, SimCopter discloses selecting a SimCity map. SimCity 2000 Users Manuel discloses during the creation of a map that can be used in SimCopter having a road inventory with different road pavements and types as well as 3D models of buildings, trees and other cityscape things.

6. Regarding claims 6 and 7, SimCopter discloses game engines that include starting building fires, radio dispatches and a number of other such engines.

7. Regarding claims 8-10, it is inherent that both SimCopter and SimCity have a geographic API to allow game components such as the game engine that starts a fire to know where on the map the fire is, what type of terrain and building is there and alert the player of its location.

8. Regarding claims 11-13, it is inherent that SimCopter has a geographic data tool program that combines road model data from SimCopter with the location and type data from the SimCity map since in the presentation of the SimCity map to the player in SimCopter, the location of the streets and buildings are the same as in SimCity but the visual aspects of them are different and can be seen in a perspective view.

9. Regarding claims 14 and 15, SimCopter and SimCity both have repositories including sets of parameters associated with different computer platforms (Box for SimCity says that it is compatible with several different systems).

10. **Regarding claim 18, Mapquest includes geographical data related to different locals including cities, states and countries. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the geographic information pertaining to not only cities, but also states and**

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**countries when developing the maps in SimCity for addition to the map inventory to broaden the scope of the map inventory and allow players to play games in locals not specifically cities.**

**11. Regarding claim 19, Mapquest includes data related to expressways, hiking trails, bike paths, airport runways, and a host of other information. It would have been obvious to one having ordinary skill in the art at the time to use all of the information available to create a local map for inclusion in the map database or to only use portions of the data to create specific maps such as selected maps without hiking trails and airport runways for a specific game such as Streets of SimCity in which the user is in a car and unable to use trails or runways; pedestrian and bicycle maps excluding expressways and airport runways for an urban development game such as SimCity where a player doesn't way any cars or planes polluting their air space; and aircraft maps excluding hiking trails for flight simulator games such as SimCopter.**

12. Regarding claim 20, As discussed in regards to the independent claims, it is well within the ability of one of ordinary skill in the art to create a map database product based on a real-world local of varying accuracy levels based on the amount of time and effort the individual wants to put in to the creation of the map database product. Additionally, Mapquest provides information about real-world locals that includes auto, pedestrian, bicycle and aircraft and SimCity has options to build infrastructure for and display (as does SimCopter) cars, pedestrians, bicycles and aircraft.

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13. **Regarding claim 25, Mapquest includes a query function in which a user is capable of selecting, from a master geographic database, a locale (where the map is showing), a type input and accuracy level (how zoomed in they are), the master geographic database containing data representing a plurality of road segments corresponding to roads of a real-world locale, where the data is compiled for navigation-related function (see directions menu) and having navigation-related attributes including geographic coordinates (see latlng search), street names (see address search), address ranges (see address search results including address ranges), turn restrictions (see one way streets) and road connectivity (see on/off ramps); and providing that data to a game developer to produce a computer game based on that map data (See rejection of claim 1 above).**

14. Claims 16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over SimCopter and SimCity and Streets of SimCity in view of MapQuest.

15. Regarding claims 16 and 21, SimCopter discloses selecting a map (SimCopter Users Manuel Page 3, SimCity map or standard game city maps) and a game shell including basic logic, rules, strategy and characters (SimCopter Users Manual Pages 3 and 56, parameters set within SimCopter. The underlying game in SimCopter has basic logic, rules, strategy and characters that are determined based on the SimCity map and the preferences manually selected) and combining them in to a computer game (The specific game that the user ends up playing).

In addition to the game shell SimCopter, there is a family of Sim products including Streets of SimCity which operates in the same manner as SimCopter only with the user driving a car through the chosen city capable of being chased by the police, shooting in the first person, location quiz game (the player has to deliver packages and has to find what location to take them to), auto theft and developing a bot (the car) to fight with (See the Wikipedia explanation of the game, specifically game modes). The maps can also be played in scenario modes or as free play in SimCity after creation, which is an urban development game.

Who produces and selects the map database and the game shell, who combines the selections and who uses the game is immaterial to the patentability of the claimed method. It is well within the ability of one skilled in the art, and common practice for either one person to put together a game or for multiple people to put together a game. Additionally, it is common place in the art for people to both design games for themselves or to use games that they have created. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have one person create a map in SimCity, to have a second person start a game in SimCopter and chose the map created by the first person, and for the second person to allow a third person to play the game that they set up.

What SimCity and SimCopter lack are map database products that contain road network information, geographic coordinates of positions of roads and turn restrictions of roads, streets names and other general map information derived from a database suitable for vehicle navigation in the real world. SimCity has the capability of modeling



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real-world cities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a user to look at a map of a city from a database suitable for vehicle navigation in the real world (MapQuest) that contains standard and well known map information such as geographical coordinates of positions of roads, turn restrictions and street names (see MapQuest) and create a map database product in SimCity that replicates the desired features of the real-world geographic locales for storage in the map database usable by a person interested in playing SimCopter so that the user of SimCopter or any other suitable Sim title could play the desired game in a representation of a real-world local of their choosing.

16. Regarding claims 22-23, SimCopter discloses selecting a SimCity map. SimCity 2000 Users Manuel discloses during the creation of a map that can be used in SimCopter having a road inventory with different road pavements and types as well as 3D models of buildings, trees and other cityscape things.

17. Regarding claims 24, SimCopter discloses game engines that include starting building fires, radio dispatches and a number of other such engines.

### ***Response to Arguments***

18. Applicant's arguments filed 3/16/2009 have been fully considered but they are not persuasive.

19. In order to address a number of the points brought up in applicant's remarks, the examiner would like to provide his interpretation of the present invention, in its broadest sense. From a real-world local, a map is generated by an individual (map developer or

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cartographer). The map can contain varying levels of information and accuracy based on the individual's desires or on the intended use. The map is placed with a plurality of other maps in to a map database usable by individuals (game developers). The maps are created to be compatible with a set of game shells. An inventory of game shells is provided for the game developer that is set up to use the maps in the map database. The game developer is then able to take the pre-made map of their choosing, combine it with a compatible game shell of their choosing and therefore create a game for other individuals (end user). The maps in the map database do not appear to contain any real-world information that was not available to other map developers at the time the invention was made. The game shells in the game shell inventory do not appear to have any novel features by themselves that were not known at the time the invention was made to game developers. The question then seems to be if it was known, or would have been obvious at the time the invention was made, to create maps with known information, store them in a map database in such a form as to be usable by an inventory of known game shells and combine a desired map with a desired game shell to produce a desired game. The family of SimCity games available at the time the present invention was made suggests to one skilled in the art that it was in fact known at the time. SimCity provides the platform for an individual to create a map with their desired level of accuracy and content and to store that map with a plurality of other such maps in any place they chose; be it a file on their computer, a floppy disk or the internet. That collection of maps is now a database of maps, searchable by that person, or any other person with access to the file. The SimCity family, including Streets of SimCity

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and SimCopter specifically, provides an inventory of game shells including a flight simulator, police chase, road rally, shooter, urban developer and many other modes of play capable of using any map created by SimCity by any individual to create a desired game for a player by any other individual. More importantly, the specific reference of SimCity, SimCopter and Streets of SimCity show that it was known at the time to use a base program to create maps of any level of detail and with any desired attributes and to combine those maps with a variety of game models so that an end user could experience any city in any of a number of manners.

20. Regarding applicants specific arguments not addressed above, the applicant asserts in the last full paragraph of page 10 that the specific entities recited in the claims should bear patentable weight. First, the applicant has not, and is not believed to be able to, define a game developer, map developer and end user in terms that they are mutually exclusive. More over, the applicant has not, and is not believed to be able to, provide evidence that having three different individuals or groups of individuals perform each respective step will produce a different end product or that there is an unexpected result. Therefore, the examiner maintains that who performs each step is immaterial to the final result of the method claims and therefore does not weigh on the patentability.

21. Regarding applicants argument on the top of page 12 of the remarks, the applicant asserts that Mapquest does not teach data representing geographic coordinates. Mapquest does in fact teach that limitation, specifically at [mapquest.com/controller/home/latlngsearch](http://mapquest.com/controller/home/latlngsearch).

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22. Regarding applicants comments directed to the newly added limitations, please see the respective new grounds of rejection.

### ***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/16/2009

/J. W./

Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714